



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,144	10/22/2004	Morihisa Momona	NEC03P013-S1b	2330
21254 7590 05/18/2009 MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817				
EXAMINER PHAM, BRENDA H				
ART UNIT 2416		PAPER NUMBER		
MAIL DATE 05/18/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/512,144

Applicant(s)

MOMONA, MORIHISA

Examiner

BRENDA PHAM

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/05/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,14-16 and 20 is/are rejected.
- 7) ☐ Claim(s) 4,5,8-13 and 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending. Claims 14-20 are newly added.
2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The Submission of Verified English Translation of The Priority Document has been received on March 18, 2009. Therefore Guo et al. reference has been removed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 6, 14-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sayers et al. (US 6,539,237 B1).

Regarding claim 1, 2, 6 and 14-16, Sayers et al. discloses a mobile communication network system (**see FIG. 2 and 4**) that comprising:

a mobile communication network (**PRIVATE WIRELESS NETWORK 22-1...22-w or LAN of FIG. 4**);

a plurality of external networks (**INTERNET 24, PSTN 26, ISDN 28 of FIG. 2, also shows in FIG. 1 as PUBLIC NETWORKS 8 or in FIG. 4**);

a plurality of mobile terminals (**MOBILE 4**);

a plurality of gateways (**GATEWAYS 42, also shows in FIG. 4**) for connecting said external networks (**INTERNET 24, PSTN 26, ISDN 28**) and said mobile communication network (**Access Network 201**); and

a plurality of radio access points (**P-BTS 27-1...P-BTS 27-P**) for connecting said mobile terminals (**mobile 4**) to said mobile communication network (**PRIVATE WIRELESS NETWORK 22-1...22-w or LAN of FIG. 4**)

said mobile communication method comprising:

setting, by a mobile terminal (**mobile 4**), a session for any of said external networks (**INTERNET 24, PSTN 26, ISDN 28 of PUBLIC NETWORKS 8**) with said radio access point (**P-BTS 27-1...P-BTS 27-P**);

transferring, by a radio access point (**P-BTS 27-1...P-BTS 27-P**) packets that have been received from any said session to a virtual network (**PRIVATE WIRELESS NETWORK 22-1...22-W**) that has been prepared for each of said external networks (**INTERNET 24, PSTN 26, ISDN 28 of PUBLIC NETWORKS 8**) that corresponds to the session; and

transferring, by said radio access point (**P-BTS 27-1...P-BTS 27-P**), packets that have been received from said virtual network that corresponds to any external network to the session that has been set for a use of said external network by said mobile terminal that is a destination of the packets

Regarding claim 20, Sayers et al. further teaches wherein packets on core networks or access networks are transferred using multicast ("**Another method uses the multicast options of the Intranet to send the uplink and downlink IP packet to both the old and new P-BTSS**" col. 23, lines 30-35)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 7, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sayers et al. (US 6,539,237 B1).

Regarding claims 3 and 7, Sayers et al. discloses a communication system formed by a private network that includes a private wireless network. Although Sayers et al. does not expressly teach transferring, by said current radio access point, when a said mobile terminal is to be handed over from a current radio access point to which it is currently connected to a new radio access point, all of said session information that said mobile terminal has set to said new radio access point; and acquiring, by said new radio access point, from said current radio access point, all of said session setting information that said mobile terminal has set

O'Neill, in the same field of endeavor, teaches **"When a mobile node (MN) 14 moves geographically, the radio propagation between it and nearby base stations (BS) 12, 12' varies. As a result of changes in radio communication due to movement, when moving inot the second cell 10' form the first cell 10, the preferred BS changes from 12 to 12'. In order to allow communication through the preferred base station a hand-off will occur from the current base station to the new preferred base station. Thus, when a mobile node moves from the first cell 10 to the second cell 10' a handoff will occur. As a result the mobile node, e.g., node 14 entering the second cell 10' will begin being served by BS 12'. This hand-off causes the resource and session information, sometime called "state" or "state information", known in BS 12 to be transferred to BS 12'."** [0050])

Therefore, it would have been obvious to those having ordinary skill in the art at the time of the invention was made to implement the method for controlling hand-off, such as taught by O'Neill, in Sayers et al., when mobile roaming to a new base station.

Allowable Subject Matter

7. Claims 4-5, 8-13, 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo, can be reached on (571) 272-3139.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

May 16, 2009

/Brenda Pham/

Primary Examiner, Art Unit 2416